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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the matter of:	)	
	)	
Verizon Wireless'	)	
Petition Pursuant to 47 U.S.C. 160	)	WT Docket No. 01-184
For Partial Forbearance from the	)	
Commercial Mobile Radio Services	)	
Number Portability Obligation	)	
	)	
Numbering Resource Optimization	)	CC Docket No. <u>99-200</u> /

**REPLY COMMENTS OF COX COMMUNICATIONS, INC.**

Cox Communications, Inc. ("Cox") hereby replies to comments submitted concerning the Petition of Verizon Wireless ("Verizon") for partial forbearance from the Commission's rules requiring commercial mobile radio service carriers to provide local number portability ("LNP").<sup>1</sup>

**I. CRMS Providers Should Fairly Share Both The Burdens and Benefits of LNP**

In their comments in support of LNP forbearance, Cingular Wireless (p. 9-10), the Cellular Telecommunications & Internet Association (p. 13) and AT&T Wireless (p. 8-9) argue that market forces should determine whether wireless carriers implement LNP. As a competitive local exchange carrier (CLEC), Cox faced the same challenges described by those who support LNP forbearance – network build out, introduction of new technology, customer service/service quality issues, regulatory mandates – and likewise believes that market forces should be permitted to work whenever possible.

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<sup>1</sup> Verizon Wireless' Petition Pursuant to 47 U.S.C. Section 160 for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184 (July 26, 2001)

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However, while the wireless industry's comments focus on competition as the defining test for granting forbearance, the Commission must also consider that LNP is not simply another product or service, but rather a regulatory mandate stemming from wireless industry complaints and pleadings that demanded technology neutrality in numbering administration. That mandate means whatever benefits are bestowed on one industry segment ought be bestowed on all others, and whatever burdens are imposed on one must be imposed on all others. None can be singled out for special treatment by regulators. With regard to LNP, although competitive concerns caused both the Commission and Congress to insist on its implementation, technology neutrality means that all industry segments must deploy the systems necessary for a customer to leave his or her telecommunications provider in favor of another (CPUC Comments p.23).

The Commission has ordered and overseen the timely implementation of LNP by wireline providers in order to facilitate customer choice. The Commission would not be justified if it were to now reverse itself and deny wireless industry customers that same choice by repealing the LNP requirements. As such, the Commission is bound by prior decisions (and the federal Telecommunications Act of 1996) to maintain LNP requirements on the wireless segment of the telecommunications industry. (CPUC Comments p.21)

## **II. The Commission Can Test A More Limited Version of Wireless LNP**

Commenters in support of forbearance assert that there is little demand among their customers for LNP to justify the cost of systems necessary to track the porting of customers. (AT&T Wireless Comments, p.6, Cingular Wireless Comments, p. 13). Cox does not believe that the mere assertion that wireless customers do not desire LNP justifies the LNP forbearance requested by Verizon. However, Cox believes that the Commission can test wireless customer demand for LNP and allow wireless carriers to avoid the cost of "porting-in" customers while at

the same time requiring wireless service providers to fully implement LNP. Cox suggests that the Commission consider a hybrid scheme of regulation, under which wireless carriers must deploy all the facets of LNP, from the Local Routing Number (LRN) technology to the ability to interact with the Number Portability Administration Center (NPAC). However, the Commission could stop short of fully controlling the “market” for LNP by permitting wireless carriers the option of “porting in” numbers. Wireless carriers, like their wireline counterparts, would be required to “port out” numbers and thus be prevented from keeping a customer-assigned telephone number when that customer chooses to change carriers. However, it would be the option of carriers whether or not to offer “porting in” as a service.

For example, George Smith has a telephone number and receives wireless services from Jones’s Mobile Communications. George decides to change his service to Doe’s All Things Wireless. Doe’s advertises that customers can bring their telephone numbers with them. Jones’s Mobile must “port out” George’s telephone to Doe’s Wireless. George doesn’t like Doe’s prices, so he decides to move service again to Champion Cellular. Champion does not offer “porting in” as a service, so George has to decide whether to change his telephone number as well as his carrier.

It is clear that a market influenced by customer demand can be created with a more limited version of LNP requirements. Wireless companies could do a business case analysis of setting up a customer service organization and retooling their training and distribution channels (AT&T Wireless Comments, p.15) to offer porting in as a service in addition to other benefits each company might choose to include with their product lines. At the same time, customers would not be forced to stay with their current provider simply because they want to maintain their existing mobile telephone number.

The Commission could relax the wireless LNP requirements for a limited period of time, perhaps one year, during which it could monitor the ability of customers to exercise competitive options, as well as any collusion on the part of wireless companies to prevent use of LNP by a implicit or explicit agreement not to offer “porting in” as a service.

### **III. Wireless LNP Forbearance Dramatically Limits Number Conservation Options**

All commenters recognize that number pooling is vital to the Commission’s number resource optimization efforts. Wireless commenters, however, appear to view one-thousand block pooling as the only proper optimization scheme associated with LNP. (AT&T Wireless Comments, p. 2) In fact, LNP in and of itself is an optimization measure. A look at the churn rates cited by CTIA (p. 9) of up to 54 percent annually can be interpreted to mean that 54 percent of customers would be using two telephone numbers for the 90 day aging period. This results in wireless companies applying for and receiving resources to “cover” these numbers. Clearly, the Commission must do everything possible to discourage this inefficient practice. In addition to the real and immediate optimization benefits of wireless LNP mentioned above, the Commission must recognize that other measures currently under consideration and review by the North American Numbering Council (NANC) and the Connecticut Department of Public Utilities Control (DPUC) would be harmed, if not eliminated entirely, if wireless companies are granted permanent forbearance. Unassigned Number Porting and Transparent Numbers Via Geographic Portability specifically would be thwarted. Even if both of these measures were possible with only the wireline sector participating, the Commission could not perpetuate the discrimination by technology.

#### **IV. Wireless Providers Should Share Both The Burdens and Benefits of Pooling**

Commenters who oppose Verizon's Petition note that wireline carriers have already spent millions of dollars to deploy LNP technology and to begin pooling (CPUC at 23). In contrast, CMRS providers have been allowed four additional years to build out their networks without the burdens associated with LNP and pooling implementation. While CMRS providers do not actively participate in numbering pools, they nevertheless benefit from those pools. In California's 310 area code, for example, CMRS providers demand for full NXX codes have been addressed by the re-allocation of NXX codes from the 310 area code number pool to the 310 area code lottery. Because the pool's reserve stock was sufficiently fed by 1000 (1K) blocks returned to the Pool, the 310 area code lottery was replenished<sup>2</sup> and a decision to implement a new area code for the region was forestalled.

The wireline sector has shouldered the carrier specific costs and inconvenience of number pooling. Cox accepted this lopsided paradigm under the assumption that that CMRS participation in the pool was not possible absent wireless LNP, and that wireless LNP would not occur until November 2002. With a seemingly uniform voice, the CMRS carriers now tell the Commission such an assumption is incorrect and that CMRS carriers can pool without LNP. Whether the wireless industry could have implemented number pooling far earlier than it will or whether earlier wireless industry requests for forbearance were based on inaccurate information concerning the wireless industry's LNP and pooling capabilities remain unclear (CPUC at 5). What remains apparent is that the wireline industry – not the wireless industry – has paid the price. The Commission must address this gross imbalance among technologies as it attempts to develop a competitively neutral and fair numbering policy.

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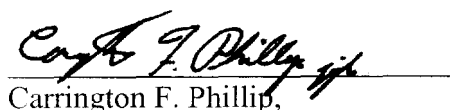
<sup>2</sup> See Letter dated September 2001, from Director, Telecommunications Division of the California Public Utilities Commission to NANPA CO Code Administration regarding Re-allocation of NXX codes (attached).

## V. Conclusion

Cox emphasizes its own reluctance to see unnecessary regulation imposed on any company, industry or industry segment. However, Commission policy, legislative mandate and number conservation all demand that at least a minimal level of LNP must be required of wireless and any other industry segment. Cox suggests an alternative approach in this document but would also support the Commission's continued adherence to its decision to required full LNP of all telecommunications services providers. Finally, the Commission must assure that the currently imbalanced number conservation obligations are rectified.

Respectfully submitted,

COX VIRGINIA TELCOM, INC.

A handwritten signature in black ink, appearing to read "Carrington F. Phillip", is written over a horizontal line.

Carrington F. Phillip,  
Vice President Regulatory Affairs

Cox Communications, Inc.  
1400 Lake Hearn Drive, N.E.  
Atlanta, GA 30319  
(404) 269-8842

October 22, 2001

**CERTIFICATE OF SERVICE**

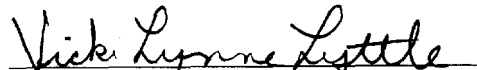
I, Vicki Lynne Lyttle, a legal secretary at Dow, Lohnes & Albertson, PLLC do hereby certify that on this 22<sup>nd</sup> day of October, 2001, copies of the foregoing "Reply Comments of Cox Communications, Inc." via hand delivery on the following:

Magalie R. Salas, Esquire  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Thomas J. Sugrue, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Jennifer Salhus  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

ITS  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room CY-B400  
Washington, DC 20554

  
Vicki Lynne Lyttle